

REMARKS

By this amendment, claims 3 and 4 have been canceled. Claims 1, 5, 6 and 7 have been amended. New claim 10 has been added. Claims 1, 2 and 5-10 remain in the application. Support for the amendments to the claim can be found the specification and drawings. No new matter has been added. This application has been carefully considered in connection with the Examiner's Action. Reconsideration, and allowance of the application, as amended, is respectfully requested.

Objection to the Specification

The specification stands objected to for failing to include sections, each with proper section headings. Applicant notes the objection to the disclosure and in response thereto respectfully declines to add the headings, as they are not required in accordance with MPEP §608.01(a). Accordingly, the objection is now believed overcome and should be withdrawn.

Objection to the Claims

Claims 6 and 7 stand objected to because of informalities. Applicant notes the objection to claims 6 and 7 and has amended the same with appropriate changes to remove the informalities previously contained in claims 6 and 7. Accordingly, the objection is now believed overcome and should be withdrawn.

Rejection under 35 U.S.C. §102

Claim 1 recites a high-pressure gas-discharge lamp, having at least one gastight fused press-seal between a glasslike material and molybdenum, wherein the molybdenum in the fused press-seal is at least partly exposed to an oxidizing environment and at least that part of the molybdenum that is exposed to the oxidizing environment is covered with a coating, characterized in that the coating comprises at least one oxide from among

Fe₂O₃, Ta₂O₅, Nb₂O₅, Al₂O₃, SiO₂, TiO₂, ZrO₂, HfO₂, and at least one of a nitride or a carbide wherein the nitride is selected from TiN, ZrN, HfN, AlN, BN, and wherein the carbide is selected from TiC, ZrC, HfC, VC, NbC, TaC, B₄C, and further characterized in that the coating is built up from at least two layers, wherein the layer of the coating that is applied directly to the molybdenum is composed of a nitride and/or carbide and the following layer is composed of an oxide or a plurality of oxides.

Support for the amendments to claim 1 can be found in the specification at least on page 4, lines 28-31; on page 5, lines 4-5, and in original claims 3 and 4 (now canceled).

Claims 1, 2, 7 and 9 were rejected under 35 U.S.C. § 102(b) as being anticipated by JP 2001102008 to Toshiba Lighting. With respect to claim 1, Applicant respectfully traverses this rejection for at least the following reason.

The PTO provides in MPEP § 2131 that

"[t]o anticipate a claim, the reference must teach every element of the claim...."

Therefore, with respect to claim 1, to sustain this rejection the Toshiba Lighting reference must contain all of the above claimed elements of the respective claims. However, contrary to the examiner's position that all elements are disclosed in the Toshiba Lighting reference, the latter reference does not disclose a "coating comprises *at least one oxide* from among Fe₂O₃, Ta₂O₅, Nb₂O₅, Al₂O₃, SiO₂, TiO₂, ZrO₂, HfO₂, and at least one of a *nitride* or a *carbide* ... the nitride ... selected from TiN, ZrN, HfN, AlN, BN, and ... the carbide ... selected from TiC, ZrC, HfC, VC, NbC, TaC, B₄C, and further ... the coating is built up from at least two layers, wherein the layer of the coating that is

applied directly to the molybdenum is composed of a nitride and/or carbide and the following layer is composed of an oxide or a plurality of oxides” as is claimed in claim 1.

Therefore, the rejection is not supported by the Toshiba Lighting reference and should be withdrawn. Accordingly, claim 1 is allowable and an early formal notice thereof is requested.

Dependent claims 2, 7 and 9 depend from and further limit allowable independent claim 1 and therefore are allowable as well. Accordingly, the rejection has now been overcome and should be withdrawn.

Claims 1-3 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication 2003/0052608 to Morimoto et al. With respect to claim 3, the same has been canceled herein, thus rendering the rejection thereof moot. With respect to claim 1, Applicant respectfully traverses this rejection for at least the following reason.

The PTO provides in MPEP § 2131 that

"[t]o anticipate a claim, the reference must teach every element of the claim...."

Therefore, with respect to claim 1, to sustain this rejection the Morimoto reference must contain all of the above claimed elements of the respective claims. However, contrary to the examiner's position that all elements are disclosed in the Toshiba Lighting reference, the latter reference does not disclose a "coating comprises *at least one oxide* from among Fe₂O₃, Ta₂O₅, Nb₂O₅, Al₂O₃, SiO₂, TiO₂, ZrO₂, HfO₂, and at least one of a *nitride* or a *carbide* ... the nitride ... selected from TiN, ZrN, HfN, AlN, BN, and ... the carbide ... selected from TiC, ZrC, HfC, VC, NbC, TaC, B₄C, and further ... the coating is built up from at least two layers, wherein the layer of the coating that is

applied directly to the molybdenum is composed of a nitride and/or carbide and the following layer is composed of an oxide or a plurality of oxides” as is claimed in claim 1.

Therefore, the rejection is not supported by the Morimoto reference and should be withdrawn. Accordingly, claim 1 is allowable and an early formal notice thereof is requested.

Dependent claim 2 depends from and further limits allowable independent claim 1 and therefore is allowable as well. Accordingly, the rejection has now been overcome and should be withdrawn.

Rejection under 35 U.S.C. §103

Claims 4-6 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication 2003/0052608 to Morimoto et al. in view of U.S. Patent 6,777,875 to Steinman et al. This rejection is traversed for at least the following reason. Dependent claims 4-6 and 8 depend from and further limit allowable independent claim 1 and therefore are allowable as well. Accordingly, the rejection has now been overcome and should be withdrawn.

New claim 10 has been added to provide for more complete claim coverage. Claim 10 depends from and further limits allowable dependent claim 7, which depends from allowable independent claim 1. Therefore, claim 10 is allowable as well.

Conclusion

Except as indicated herein, the claims were not amended in order to address issues of patentability and Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents. Applicants furthermore reserve their right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or a continuation application.

It is clear from all of the foregoing that independent claim 1 is in condition for allowance. Dependent claims 2 and 5-10 depend from and further limit allowable independent claim 1 and therefore are allowable as well.

The amendments herein are fully supported by the original specification and drawings; therefore, no new matter is introduced. An early formal notice of allowance of claims 1, 2 and 5-10 is requested.

Respectfully submitted,

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